

RELEASED IN PART
B6, B5 *GE 2A*

DePirro, Velia M

From: Kovar, Jeffrey D
Sent: Thursday, March 30, 2006 9:21 AM
To: Johnson, Thomas A; Barton, Paula J
Cc: Harris, Robert K; Lagon, Mark P; Leatham, Rachel M; Rohn, Douglas C; Noyes, Julieta V (DRL); DePirro, Velia M; Levin, Jan
Subject: RE: CAT Hearing--Space for USDEL in Room XVII

Tom -- we'll explore this with the secretariat. My hazy recollection from watching Canada several months ago was that the members of the delegation that spoke, or directly supported the speakers, sat in the inner table with the microphones, with the CAT members sitting around them in the horseshoe. I can't remember the number that can be accommodated there. The rest of the delegation sat in the first inner row of seats, as I recall. Bellinger as HOD plus one or two will sit at the podium. -- Jeff

From: Johnson, Thomas A
Sent: Thursday, March 30, 2006 3:42 AM
To: Kovar, Jeffrey D; Barton, Paula J
Cc: Harris, Robert K; Lagon, Mark P; Leatham, Rachel M; Rohn, Douglas C; Noyes, Julieta V (DRL)
Subject: CAT Hearing--Space for USDEL in Room XVII

Jeff/Paula--

One follow-up project from the meeting yesterday is to find out from you how much space the USDEL will have in Room XVII, where I'm told the hearing will be. Everyone understands that our huge delegation cannot all fit in whatever space we are given, but we want to get as much space as we can. We assume that the country making its report either sits on the bottom level of the horseshoe or in a rear side row (as has been done with some guests of CHR), but that would force some CAT members to turn around and makes less sense.

In any event, if the bottom level of the horseshoe is used, can you please explore with the secretariat if we can have one whole desk (i.e., on the side or middle) and seats behind? Using the middle desk on the lowest level of the horseshoe might look symmetric and all that, but aren't there substantially more seats on the sides? If so, can you make a pitch for one of the side desks?

If they use a back side row, why not try for the whole row?

And if you can find a diagram of the room somewhere, can you please send a copy back here? Thanks. Tom

-----Original Message-----

From: Harris, Robert K
Sent: Wednesday, March 29, 2006 7:17 PM
To: Bellinger, John B(Legal); Lowenkron, Barry F (DRL); Barks-Ruggles, Erica J (DRL); Lagon, Mark P
Cc: Noyes, Julieta V (DRL); Johnson, Thomas A; Legal-L-HRR; amsurena [REDACTED]; Kovar, Jeffrey D; Camponovo, Christopher N.; Sicade, Lynn M (DRL)
Subject: FW: CAT hearing PCC meeting - Monday, April 3.

John, Barry, and Mark,

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 07 AUG 2009 200706444

3/30/2006

UNCLASSIFIED

B6

L, DRL and IO had an in-house planning meeting yesterday to continue our planning for the CAT hearing May 5-8. We are expecting additional agency comments on the answers to the 196 questions from the Committee Against Torture, and suggest you might want to look at them once we have incorporated them further.

Highlights:

- We will have a delegation of around 30 officials from State, Justice, DOD, DHS and perhaps the Bureau of Prisons. (This sounds like a lot, but it is roughly the size of the UK's delegation when it defended its CAT report in November 2004. The Committee likes large, high-level delegations as it suggests that the country takes the process seriously.
- A core team will arrive in Geneva on Wednesday to make sure all systems are in place. We will have a delegation meeting on Thursday afternoon. You will need to determine whether you want to arrive Thursday morning or be fresher with a Wednesday arrival.
- We will designate members of the delegation as note takers and as recorders of the questions we are asked to answer over the weekend.
- Subject to your approval, we will have short opening statements from Barry and John. After Barry's opening remarks, John will be the master of ceremonies.
- We will have 90 minutes to deliver our opening statement and to give abbreviated answers to the Committee's questions. The Committee will then ask additional questions, which we can answer on the spot or answer on Monday. (Most countries choose not to answer questions on the spot.)
- Once day one is over, the US delegation will formulate the questions that were asked and begin writing answers.
- Over the weekend, the delegation will write the answers, seeking Washington guidance or input as needed. The goal, of course, is to get a delegation of sufficient rank that it can clear its own answers.
- Matt Waxman will be in Europe over that weekend and has offered to come to Geneva Sunday afternoon to look at the package we have come up with and come to the Monday session. I told him that we would welcome his fresh eyes and brain, so I think he is planning to come.
- On Monday morning, we will send our answers electronically to the Committee and on Monday afternoon, we will deliver the answers orally. The Committee will then ask follow-up questions, but there is typically not very much time left for this process.
- I am going to stay with a core delegation team on Tuesday to write the reporting cable. We will try to find a way to make sure John and Barry approve it before it is sent.
- Later in the session, the Committee will draft conclusions and recommendations, which they, as a courtesy, will forward to us 24-48 hours in advance. It will issue them at the end of the session, May 19.

At Monday's meeting, we will go through this with the agencies, and ask them to designate a Washington-based team in each agency to assist the delegation.

In case you do not yet have a headache, here is more detailed information about the session, which we received from the UN Secretariat via our Mission in Geneva in February. My points above have included the highlights.

CONDUCT OF THE SESSIONS

The U.S. will have 1 1/2 hours the first morning for its presentation. Morales said this limit will be strictly followed by the Committee so that the members will have the same amount of time to

pose questions.

Morales suggested that not more than 15 minutes be devoted to a head of delegation opening statement. Effective use of this time would be to highlight any new developments, and to give a positive sense for the general U.S. approach to implementation, policy frameworks, etc.

Following the opening statement the remaining time will be devoted to answering the Committee's written questions. This can be used to read the written answers into the record, but in most cases delegations offer summaries of the written answers. Morales noted that some states continue to use the head of delegation for this. Others, like the UK, have turned to the members of the delegation with technical expertise. The head of delegation will control the floor, and there will be several microphones available for members of the delegation, who will therefore not need to come to the podium to provide information.

As for the format of the U.S. replies, Morales and Nataf urged that we stick to the questions the way they are presented. If we present answers that cover more than one question, it is important to indicate precisely which ones are being answered. In that connection, the Committee has reformatted the U.S. report by numbering each paragraph and incorporating the updated Annex presented at the time of the ICCPR Report. It is important for us to refer to our report according to these new paragraph numbers. The reformatted version was provided to us and will be scanned and emailed to you on Monday when the OMS in our section is in the office.

The rest of the session will be devoted to statements and questions from members of the Committee. The delegation may reply to questions on the spot, but most delegations simply take note of them, then prepare responses overnight for presentation the following day. Nataf pointed out that some questions are repetitive and many overlap, and may be regrouped as necessary.

The session will reconvene the following afternoon, and the U.S. will have 45 minutes to reply to the Committee's questions. Morales noted that we would be held pretty strictly to this time limit, so should carefully pace our replies to get them all out. She recommended being concise so that we could cover all points in a balanced way.

The Committee may then make statements and pose follow-up questions for 45 minutes, and the U.S. will in principle have a 15 minute right of reply at the end. Morales noted, however, that there is rarely 15 minutes left at the end, and said we should plan for no more than 5 minutes of reply.

At the end, the Committee generally offers the delegation the possibility to submit additional information in the next day or two, but Morales noted that she could never recall a state actually doing so.

The Committee will then provide an advance, unedited version of its concluding comments 24-48 hours before the end of the session. That version will be made public, subject to translation and final clean-up, at the concluding press conference on Friday May 19. There is no requirement for delegations to stay until this event, and local Ambassadors are no longer expected to attend. The Mission can cover it at the appropriate level.

In response to a query whether the Committee would accept audiovisual or powerpoint presentations, Morales and Nataf replied that they could recall it once at the Committee on the Rights of the Child, but that it had created technical complications and delay. They discouraged it because it could be seen as time waster.

PUBLICATION OF U.S. REPLIES

Morales stated that there are various options for what would go into the record. If the U.S. wishes, it can ask for its written answers to be published in the official records along with the oral statements. However, the U.S. may ask that its written answers not be published or distributed, and the Committee will respect that wish -- in such a case only the oral statements would be

published. Morales stressed that all written replies are embargoed for use only of the Committee members unless expressly authorized for distribution by the state concerned. In response to our query Morales stated that they are not to be given by the Committee to NGOs in advance of the session.

NGO COMMENTS

Morales stated that there would be an organizational session the first week of March for the countries subject to review in May (Peru, Guatemala, Qatar, Republic of Korea, Togo, Georgia, USA). At that time, all NGO submissions would be distributed. After that session we would be able to get any further NGO submissions from the extranet site the Committee will establish for that purpose. There is no deadline for submission of NGO comments. In addition, a closed consultation for NGO's would be conducted by the Committee the evening before the first part of the U.S. oral presentation.

PUBLIC PARTICIPATION/DISSEMINATION

The session is open to the public, and will be held in the Palais des Nations. The local UN-accredited press will have access, as will other press who seek credentials, upon approval by the chair. The sessions are taped recorded for the Committee's use, and the press, NGOs, and governments can ask the Secretariat to make copies if they provide blank audio tapes. TV or video requests must be made through the UN Department of Public Information (DPI). They must be approved by the Chair of the Committee. DPI will ensure they would not be handled in an intrusive way. Morales remarked that during India's presentation there was quite a bit of press and TV participation. In response to our query whether there had ever been a webcast link, Morales said not to her knowledge. She said that a request would have to be considered if it came in, but would not originate with the Committee itself ("we will not pick the U.S. to be a guinea pig.").

RAPPORTEURS

Rapporteurs for the U.S. session are Marino and Carrara, who are natives speakers of Spanish and French. Morales requested that, if any of the information to be submitted by the U.S. can also be provided in these two languages, that we do so.

DOCUMENTS

In response to a query whether there were any specific background documents that the Committee expected to be submitted, Morales said that it would be helpful to submit two copies of anything cited in the report. When asked whether a weblink would be adequate, Morales and Nataf were of two minds -- on the one hand a weblink should suffice, but experience was that links are often dead or the Committee has difficulties opening them.

Bob

From: Camponovo, Christopher N. [mailto:Christopher_N_Camponovo@]

Sent: Wednesday, March 29, 2006 6:20 PM

To: schoune@state.gov; amsurena@ ; Bourke, Michael P.; Brian.Kelliher1@dhs.gov; daniel.brown@dhs.gov;

David_Bernhardt@ios.doi.gov; Diane Beaver; drew.steinberg@dhs.gov; HarrisRK2@state.gov; HodgkinsonSL@state.gov; Igor Timofeyev; johnsonTA2@state.gov; lagonmp@state.gov; laurence.rothenberg@usdoj.gov; matthew.friedrich2@usdoj.gov; Melear, Pamela S.; molly.groom@dhs.gov; nader.baroukh@dhs.gov; noyesjv@state.gov; omar.vargas3@usdoj.gov;

B6

B6
B6

3/30/2006

UNCLASSIFIED

rena.comisac@usdoj.gov; rob.wexler@ed.gov; roger.sagerman@dhs.gov;
ron.rosenberg@dhs.gov; Ronald.whitney@dhs.gov

Cc: Melear, Pamela S.

Subject: CAT hearing PCC meeting - Monday, April 3.

We've scheduled a PCC for Monday, April 3 at 2 pm in the EEOB, room 211 on preparations for the upcoming Convention Against Torture hearing. For those of you on this email distribution who represent agencies not involved in the CAT hearing, apologies – feel free to click delete.

This email is also a reminder that agency comments on the answers to the Committee's questions on our Second Periodic Report re. implementation of the CAT were due by c.o.b. Tuesday, March 28. If you have not already provided your responses to Bob Harris at Harrisrk2@state.gov please do so as soon as possible, cc-ing Schoone@state.gov, HillSR@state.gov, bentesjw@state.gov. In light of all that remains to be done to prepare the U.S. delegation for the hearing, it is all the more critical that we finalize the answers to the Committee's questions as soon as possible and circulate them for final agency clearance.

The PCC is primarily intended to explain the next steps in preparing the delegation and also to explain the actual mechanics of the actual hearing process. An agenda for the meeting is attached. At that meeting State will discuss the actual structure of the hearing, the amount of time allotted for the USG defense of its report, and how the USG will divide its time between opening statements and summaries of answers to the Committee's numerous questions, how to handle the additional questions that the Committee will ask during the course of the hearing, and how to coordinate interagency clearances for such questions. We will also discuss the additional work product that must be prepared and cleared by the interagency to prepare the delegation for the hearing.

Please respond to Pam Melear (cc'd) with clearance info.

In anticipation of the meeting and the materials we will need to prepare shortly thereafter, we ask that each agency:

- o Finalize their decisions on who will represent their respective agencies for the hearing. State does not yet have lists for DOJ/CRD and DHS.
- o DOJ - please consider whether someone from BOP should be represented on the delegation, or whether support from BOP in Washington should suffice to be responsive to any additional questions that may arise from the Committee.
- o Come up with a list of hard questions that have not been addressed thus far, but that we may expect the Committee to ask. To the extent possible, we request that agencies also in a week or two suggest draft answers. (By way of background, the principal USG human rights NGOs have had numerous opportunities to inform the Committee of any concerns they have. Thus, to the extent that US NGOs have raised particular issues with your agency that may have some relevance to the CAT, it would be helpful if you could include those Qs and As.)